

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ISABEL ZELAYA, et al.,

Plaintiff,

V.

ROBERT HAMMER, et al.,

Defendants.

Civil Action No 3:19-CV-62
(REEVES/GUYTON)

JOINT MOTION FOR ENTRY OF
AGREED ORDER GOVERNING MOTIONS TO DISMISS AND BRIEFING

Come now Plaintiffs, by and through counsel, Defendant John Witsell, by and through counsel, and Defendants Robert Hammer, David Vicente Pena, Francisco Ayala, Billy Riggins, Anthony Martin, Matthew Grooms, Jerrol Partin, Theodore Francisco, Travis Carrier, Trevor Christensen, Glen Blache, Brenda Dickson, George Nalley, Clint Cantrell, Ricky Thornburgh, Jonathan Hendrix, Ryan Hubbard, Wayne Dickey, James Liles, Michael Perez, Keith Hale, Dennis Fetting, Deni Bukvic, Kashif Chowhan, Blake Diamond, Paul Criswell, Jeffery Klinko, Jeffery Schroder, David Lodge, Wayne Hinkle, Connie Stephens, Tommy Pannell, Shannon Hope, Troy McCarter, Bradley Harris, Joshua McCready, Ronald Appel, Bobby Smith, Robert Whited, Trey Lund, Michelle Evans, Wesley Anthony, Steven Ledgerwood, Francis Coker, Christopher Cannon, John Heishman, Aunrae Navarre, Ricky Smith, Matthew Moon, Jason Miller, Jeff Bednar, Austin Williams, Nick Worsham, and the United States of America, by and through J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, (collectively “Parties”), pursuant to the Court’s Order dated June 14, 2019 (Doc. 176), and

announce they have reached the following agreement and move the Court to adopt the Parties' agreement as follows:

1. All Defendants, other than Defendant Witsell, shall file their responses to the Third Amended Complaint, which will be in the form of motions to dismiss, pursuant to Fed. R. Civ. P. 12, on or before October 4, 2019;
2. Defendant Witsell shall file his response to the Third Amended Complaint on or before October 25, 2019;
3. Plaintiffs shall have up to and including November 22, 2019, in which to respond to the motions to dismiss;
4. All Defendants, including Defendant Witsell if he files a motion to dismiss, shall have up to and including December 20, 2019, in which to present their final reply; and
5. Briefs shall not exceed fifty (50) pages in length.

The Parties submit that the proposed briefing schedule allows sufficient time to brief the issues presented by the Third Amended Complaint that are likely to be addressed in the motions to dismiss. At the same time, the proposed briefing schedule does not extend the period for briefing unnecessarily, nor does it encourage undue delay. Further, by increasing the page limitation for briefs from twenty-five (25) to fifty (50) pages, the Parties will be able to combine a number of the motions and briefs to cover multiple litigants and, thereby, avoid presenting independent briefs on behalf of each of the litigants in this case. The Parties have also discussed the Court's Order Governing Motions to Dismiss dated February 26, 2019 (Doc. 14) and agree that the issues likely to be presented in the motions to dismiss cannot be cured by a permissible amendment.

In sum, the Parties submit that there is good cause for entering the proposed Agreed Order Governing Motions to Dismiss and Briefing. The Parties move the Court to enter the proposed Agreed Order Governing Motions to Dismiss and Briefing and for any additional or alternative relief that the Court may deem appropriate.

Respectfully submitted,

Signature pages follow.

J. DOUGLAS OVERBEY
United States Attorney

s/ Kenny L. Saffles

Kenny L. Saffles (BPR #023870)
Leah W. McClanahan (BPR #027603)
Assistant United States Attorney
800 Market Street, Suite 211
Knoxville, TN 37902
Kenny.Saffles@usdoj.gov
Leah.McClanahan@usdoj.gov
(865) 545-4167

s/ Mary Ann Stackhouse

Mary Ann Stackhouse (BPR #017210)
Lawrence F. Giordano (BPR #006104)
Caitlyn Luedtke Elam (BPR # 031108)
T. Mitchell Panter (BPR # 031744)
Lynn C. Peterson (BPR # 012211)
Lewis, Thomason, King, Krieg & Waldrop, P.C.
620 Market Street
One Centre Square, 5th Floor
Post Office Box 2425
Knoxville, TN 37901
(865) 546-4646 (phone)
(865) 523-6529 (fax)
mstackhouse@lewisthomason.com

s/ Phillip F. Cramer

William L. Harbison (No. 7012)
Phillip F. Cramer (No. 20697)
John L. Farringer IV (No. 22783)
SHERRARD ROE VOIGT & HARBISON, PLC
150 3rd Avenue South, Suite 1100
Nashville, TN 37201
T: (615) 742-4200
F: (615) 742-4539
bharbison@srvhlaw.com
pcramer@srvhlaw.com
jfarringer@srvhlaw.com

Araceli Martínez-Olguín
Nora A. Preciado
NATIONAL IMMIGRATION LAW CENTER
3450 Wilshire Blvd. #108 – 62
Los Angeles, CA 90010
T: (213) 639-3900
F: (213) 639-3911
preciado@nilc.org
martinez-olguin@nilc.org

Trudy S. Rebert
NATIONAL IMMIGRATION LAW CENTER
P.O. Box 721361
Jackson Heights, NY 11372
T: 646-867-8793
F: 213-639-3911
rebert@nilc.org

Meredith B. Stewart
SOUTHERN POVERTY LAW CENTER
201 Saint Charles Avenue, Suite 2000
New Orleans, LA 70170
T: (504) 486-8982
F: (504) 486-8947
meredith.stewart@splcenter.org

Julia Solórzano
SOUTHERN POVERTY LAW CENTER
P.O. Box 1287
Decatur, GA 30031
T: (404) 521-6700
F: (404) 221-5857
julia.solorzano@splcenter.org

Eben P. Colby
500 Boylston Street
Boston, Massachusetts 02116
T: 617-573-4855
F: 617-305-4855
Eben.Colby@probonolaw.com

Jeremy A. Berman
4 Times Square
New York, NY 10036-6522
T: 212-735-2032
F: 917-777-2032
Jeremy.Berman@probonolaw.com

Arthur R. Bookout
One Rodney Square
920 N. King Street
Wilmington, Delaware 19801
T: 302-651-3026
F: 302-434-3026
Art.Bookout@probonolaw.com

Whitney Wester
1000 Louisiana
Suite 6800
Houston, TX 77002
T: 713-655-5152
F: 713-483-9152
Whitney.Wester@probonolaw.com